

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00167

GARY STOVER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 28, 2019, the United States of America appeared by Kathleen Robeson, Assistant United States Attorney, and the defendant, Gary Stover, appeared in person and by his counsel, Gerald M. Titus, III, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a 30-month term of supervised release in this action on February 23, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on February 8, 2018.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to report to the probation office on May 3 and June 5, 2019, after being instructed by the probation officer to do so and failed to submit a written monthly report for each March, April, May, and June 2019; (2) the defendant committed violations of law in that he unlawfully possessed a controlled substance inasmuch as on January 23 and September 25, 2019, he tested positive for methamphetamine and signed a voluntary admission form confirming his use as reflected in those tests, and on January 25 and February 12, 2019, he also tested positive for methamphetamine; and (3) the defendant failed to follow the instructions as directed by the probation officer in that on October 25, 2018, he was directed to participate in the urine screen hotline at Pyramid Counseling and on November 21, December 12, December 28, 2018, January 14, February 18, March 22, April 11, April 26, May 14, May 29, and June 10, 2019, he failed to provide a urine specimen as directed by the probation officer, and on January 23, 2019, he was directed to participate in individual substance abuse counseling at Pyramid Counseling at a rate of four one-hour sessions per month but

failed to attend three sessions in each February, March, and April 2019, and did not participate in any individual counseling sessions in May or June 2019, and on March 11, 2019, he was directed to participate in weekly intensive group outpatient substance abuse programming at Pyramid Counseling at a rate of two sessions per week but failed to attend on March 27, March 28, April 10, April 11, April 17, April 18, and April 25, 2019, and failed to attend any sessions in the months of May and June 2019; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

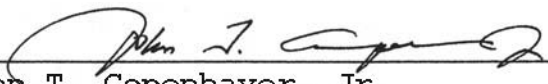
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to

the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, with no further term of supervised release imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 30, 2019



John T. Copenhaver, Jr.
Senior United States District Judge